

## Introduction

Children are often caught in the middle in a divorce, but the issue becomes particularly difficult when the parents are citizens of two different countries. For parental kidnapping by a non-custodial parent in the states the Uniform Child Custody Jurisdiction Act (UCCJA) will apply.

International custody disputes can be a devastating problem for our servicemembers, especially here in Japan, because the US citizens are disadvantaged in the Japanese system. This brochure will provide some basic information on this issue and give resources for further assistance.

Effective 1 Apr 2014, Japan became a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. The convention offers significant benefits to foreign parents. Although Japanese civil law stresses that in cases where custody cannot be reached by agreement between the parents, Japanese Family Court will resolve the issue in the best interests of the child, foreign parents are usually not favored.

To bring a custody issue before the Japanese Family Court, a U.S. citizen must obtain a Japanese Family Attorney for assistance. These cases can be timely and expensive. The legal office can help provide a list of family law attorneys that speak English.

## OTHER WEBSITES:

- Overseas Citizen Services in the Bureau of Consular Affairs: 1-202-501-4444
- Office of Children's Issues: 1-202-501-4444
- National Center for Missing and Exploited Children: [www.missingkids.com](http://www.missingkids.com)
- A Family Resource Guide on Parental International Kidnapping:  
<http://www.ncjrs.gov/pdffiles1/ojjdp/215476.pdf>
- Japan Related Issues:  
<http://travel.state.gov/content/childabduction/english/country/japan.html>

### Legal Assistance Hours:

By Appointment Only

### Notary Hours:

Monday-Thursday 0900-150



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# INTERNATIONAL CUSTODY ISSUES

## This Brochure Includes:

- Preventive Steps to Avoid International Parental Abduction
- Child's Passport Issuance Alert Program
- Obtain a Custody Order
- Custody Issues in Japan
- Other Resources



The information in this brochure is of a general nature and is not intended as a substitute for legal counsel.

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## Preventing International Abduction

Many cases of international child abduction occur when the child travels to another country with the consent of both parents.

Unfortunately, it is difficult to stop a kidnapping, but it might be possible to do things to help prevent it, such as:

- Keep a list of addresses and phone numbers of the other parent's relatives, friends, and business associates
- Keep a record of important information about the other parent, including: physical description, passport number, social security, drivers license, and vehicle plates
- Keep a written description of your child and fingerprints
- Teach your child how to use the phone, make collect calls, etc.
- Notify schools, daycare and babysitters of potential abduction by the non-custodial parent, and place a copy of the custody decree on file. If possible give them a photograph of the potential abductor.

Information about the Hague Abduction Convention and its impact on International Abduction can be found at:

<http://travel.state.gov/content/childabduction/english/legal/law-and-regulations/hague.html>

## Child's Passport Issuance Alert Program

On July 2, 2001 a new law was passed that requires both parents consent, or that the applying parent has sole authority, to obtain a passport for a child under 14 years of age.

The Child's Passport Issuance Alert Program enables the Department of State's Office of Children's Issues to notify the parent or guardian, when requested, before issuing a passport for his/her child. The Department of State may be able to refuse issuance of a passport if you have a court order granting you sole custody. For more information visit:

<http://www.travel.state.gov/>  
Or, call 202-736-9124

This is a great resource, however it does not protect against embassies or consulates of other countries from issuing their passports to children who are also their nationals. You can try to ask a foreign embassy or consulate not to issue a passport to your child. Countries are not required to comply, but they may do so voluntarily.

Unfortunately, if a child already has a valid passport, the US government does not have exit controls at the border and there is no way to stop someone with valid travel documents. If your child has a passport, try to control its possession.

## Obtaining a Custody Order

Obtaining a valid custody order is essential to preventing the abduction of your child. You will want to obtain the assistance of a family law attorney to help in this matter. Ask your attorney to look up the Federal Parental Kidnapping Prevention Act (18 U.S.C. §1738A), if they don't know about it.

You will probably want to avoid "joint custody" if your spouse is a foreign parent. If joint custody is awarded, you will want to make sure a primary residential custodian is named. You may want to request that the court restrict visitation until guarantees are established to avoid abduction, or request that visitation be supervised.

## Custody Issue in Japan

If you are dealing with Japan in your custody problems, you will want to get a Japanese family law attorney as soon as possible, because foreign parents are greatly disadvantaged in Japanese courts.

A list of English speaking attorneys can be found at:  
<http://tokyo.usembassy.gov/e/acs/tacs-7113.html>